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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

1123

CHIEF DEPUTY WHIP
CO-CHAIR CONGRESSIONAL
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FINANCIAL SERVICES COMMITTEE
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
SUBCOMMITTEE ON CAPITAL MARKETS AND
GOVERNMENT SPONSORED ENTERPRISES
SUBCOMMITTEE ON
HOUSING AND INSURANCE

October 23, 2015

Chairman Thomas E. Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

I am writing to urge the FCC to work with Mobile Citizen and Mobile Beacon to prevent the loss of affordable internet service for thousands of Americans. Since 2010, these companies have offered internet access to schools, libraries, and nonprofits in need via an EBS Spectrum leasing agreement with Sprint. This partnership has given over 300,000 Americans access to affordable Internet, including 429 schools, 61 libraries, and 1,820 nonprofit organizations. In April 2014, Sprint informed these partners that its subsidiary, Clearwire, would be migrating subscribers from its Wimax network to LTE on November 6th 2015, leaving thousands of adults and children in the Twin Cities metro area alone without affordable access to the Internet.

Two affected organizations in my district, the 5th Congressional District of Minnesota, include the Project for Pride and Living (PPL) and PCs for Change. PPL serves 1,200 families and relies on mobile Internet from Mobile Citizen to run its programs that help adults secure employment and youth complete homework assignments. PCs for People, a digital inclusion organization, provides computers to families and has connected over 14,000 households to the Internet since the beginning of their partnership with Mobile Citizen and Mobile Beacon. Nearly 11,000 individuals in my district are losing this source of affordable access to the Internet.

All Americans deserve equal Internet access and are more likely to succeed if they are connected and engaged. I urge the Federal Communications Commission to work with Mobile Citizen and Mobile Beacon to address this issue.

Sincerely,

KEITH ELLISON
Member of Congress

Cc: Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly



Mr. Marcelo Claire
Chief Executive Officer
Sprint Corporation
6200 Sprint Parkway
Overland Park, KS 66251

CC: Masayoshi Son, CEO of SoftBank
Chairman Tom Wheeler, Federal Communications Commission
Commissioner Mignon Clyburn, Federal Communications Commission
Commissioner Jessica Rosenworcel, Federal Communications Commission
Commissioner Ajit Pai, Federal Communications Commission
Commissioner Michael O'Rielly, Federal Communications Commission
R. David Edelman, Special Assistant to the President for Economic and Technology Policy
Vonya McCann, Sprint Government Affairs
Doug Michelman, Sprint Corporate Communications and Corporate Social Responsibility

Re: Sprint's plan to shut off more than 300,000 vulnerable Americans' Internet access

October 20, 2015

Dear Mr. Claire,

You have said you are committed to "empowering young people with education and technology so they can change their lives and change the world for the better."

But on November 6, 2015, as it updates its network, the Sprint Corporation will shut off Internet access to hundreds of thousands of children in underserved communities across the country. Among those who will be disconnected are 429 schools, 61 libraries and 1,820 nonprofit organizations.

This is unacceptable and not in line with the principles you have professed publicly throughout your career.

Since 2010, Mobile Citizen and Mobile Beacon have offered affordable Internet access to schools, libraries and nonprofits in need via a partnership with CLEAR, now Sprint. This partnership has helped more than 300,000 Americans – children in schools serving our country's most vulnerable youth, moms who count pennies for groceries, seniors struggling to get access to essential health care information. Sprint's plan to shut down this network will leave these Americans in the dark.

As Chief Executive Officer, you have the power to stop this injustice and keep hundreds of thousands of children, families and community members online, preserving their access to the Internet and the American dream.

We call on Sprint to ensure that more than 300,000 Americans will have uninterrupted access to affordable, unlimited Internet through Mobile Citizen and Mobile Beacon's network. America is strongest when those in need have access to the technology that builds an educated, empowered and engaged public.

Signed:

Academia America
Ashbury Community Services
Build.org
Burton School District
California Connect
Center for Media Justice and Media Action Grassroots Network
Center for Rural Strategies
Central New York Library Resources Council
Colorado Telehealth Network
ColorOfChange.org
Common Cause
Community Technology Network
Connect Your Community
COSN, the Consortium for School Networking
Demand Progress Action
Fight for the Future / Center for Rights in Action, Inc
Florida Institute of Technology
Free Press
Habitat for Humanity
Jump Wireless
Library Board of RI
Media Mobilizing Project
National Coalition for Adult Literacy
National People's Action Campaign
New Media Ventures



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

January 21, 2016

The Honorable Keith Ellison
U.S. House of Representatives
2244 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Ellison:

Thank you for your letter urging the Commission to work with Mobile Citizen and Mobile Beacon to prevent the loss of affordable broadband services to thousands of Americans. As your letter indicates, Mobile Beacon and Mobile Citizen are involved in a dispute with Sprint regarding Sprint's contractual obligation to provide certain broadband services to Mobile Beacon and Mobile Citizen for use by schools, libraries, and other non-profits, using radio spectrum allocated to educational use. One of the core responsibilities of the Commission is to ensure that all Americans have access to vital communications services. During my time as Chairman, the agency has been particularly focused on ensuring affordable access to high-speed broadband, especially in schools and libraries. Given the Commission's keen interest in access to broadband, the agency has been monitoring this matter closely.

As you note, this dispute involves certain changes that Sprint plans to make regarding the manner in which broadband services are provided and the capacity that will be available to users as Sprint moves its network away from an older technology, WiMAX, towards a newer technology, LTE. Mobile Beacon and Mobile Citizen allege the terms of service after this move occurs are inconsistent with their contracts. As a result, affiliates of Mobile Beacon and Mobile Citizen filed a lawsuit in Massachusetts state court against Sprint to enforce what they believe are their contractual rights. As part of this litigation, the state court granted an emergency preliminary injunction requiring Sprint to continue to offer Mobile Citizen and Mobile Beacon the same level of service they have been receiving while the litigation is ongoing. Sprint's motion to stay this injunction was subsequently denied by the state court.

For the immediate future, the broadband services provided to organizations like those mentioned in your letter will remain unchanged pending resolution of this contract dispute. As the litigation proceeds, the Commission will continue to monitor the situation and, to the extent necessary, take appropriate action consistent with the scope of the Commission's jurisdiction. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler